

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NICHOLAS T. ACORN, JEFFREY ACORN,

Plaintiffs,

v.

CITY OF SEATTLE, a Municipal
Corporation; LIEUTENANT WILSKE; and
SEATTLE POLICE OFFICERS JOHN and
JANE DOE 1 – 100, their spouses and the
marital community composed thereof,

Defendants.

No. C05-0460C

STIPULATION AND
PROTECTIVE ORDER

I. STIPULATION

The plaintiffs submitted discovery requests to Defendant City of Seattle, asking for the production of documents containing information that defendant City of Seattle believes to be privileged and not subject to disclosure pursuant to the Washington State Criminal Records Privacy Act, Title 10.97 RCW, the Public Disclosure Act, RCW 42.17.310, RCW 5.06.060(5), the Freedom of Information Act, 5 U.S.C. § 552(b)(7)(C) and F.B.I. v. Abramson, 456 U.S. 615, 622 (1982).

STIPULATION AND PROTECTIVE ORDER - 1

C05-0460C

C:\DOCUME~1\NGUYEN\LOCALS~1\TEMP\NOTESD566FC\10143.DOC

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885

1 Plaintiffs have requested and defendant City of Seattle has agreed to produce
 2 subject to this Protective Order, a copy of the Warning Order, Operational Plan and
 3 After Action Report. The parties, by and through their counsel of record, therefore
 4 stipulate to entry of a protective order governing these documents and the subject
 5 information contained therein. The parties also stipulate and agree to be bound by the
 6 conditions, definitions, and terms of the protective order as outlined in the order.

7 LAW OFFICE OF PAUL RICHMOND

STAFFORD FREY COOPER

8
 9 By: _____
 Paul Richmond, WSBA #32306

By: _____
 Stephen P. Larson, WSBA #4959

10 Dated this ____ day of September, 2005.

Dated this ____ day of September, 2005.

*Attorneys for Defendants City of
 Seattle and Lt. Wilske*

11
 12
 13 _____
 Lawrence Andrew Hildes, WSBA #35035

14 Dated this ____ day of September, 2005.

Attorneys for Plaintiffs

17 II. ORDER

18 THIS MATTER came before the court on the parties' Stipulation for a Protective
 19 Order to authorize the production of documents identified above to plaintiffs. Defendant
 20 City of Seattle is restrained from providing that documentation to the parties because of
 21 the Washington Criminal Records Privacy Act, the Public Disclosure Act, the Freedom
 22 of Information Act, and F.B.I. v. Abramson. Having considered the stipulation of the
 23 parties, it is now

STIPULATION AND PROTECTIVE ORDER - 2

C05-0460C

C:\DOCUME~1\NGUYEN\LOCALS~1\TEMP\NOTESD566FC\10143.DOC

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885

1 ORDERED that defendant City of Seattle is authorized to and shall produce
2 Seattle Police Department Warning Order, Operational Plan and After Action Report
3 regarding the March, 2003 Iraqi War protests to counsel for plaintiffs. All parties shall
4 keep the records confidential and shall make no further use of the records nor any
5 further disclosure of the information contained in the records without the express
6 consent of this Court except as provided in paragraphs B.2 through B.4 below.

7 **A. DEFINITIONS**

8 1. "Subject individuals" means those witnesses, complainants, victims, and
9 non-convicted suspects whose identities and/or identifying information, which was
10 contained in the documents identified below, is disclosed pursuant to court order.

11 2. "Subject information" means the identities and identifying information of
12 the subject individuals.

13 3. "Identity" means the collective aspect of the characteristics by which an
14 individual is distinctly recognizable or known.

15 4. "Identifying information" means all information regarding and/or
16 characteristics of the individual that could potentially, either individually or collectively,
17 enable one to identify that individual's identity. "Identifying information" encompasses
18 and includes, but is not limited to, the individual's name, pseudonym(s), physical
19 description, past and present residential addresses, past and present residential phone
20 numbers, parentage, siblings, friends, employment history, mental health history, past
21 and present employers, description of any identifying speech habits or inflections or
22 impediments, descriptions of any physical challenges or limitations, clothing, etc.

23
STIPULATION AND PROTECTIVE ORDER - 3

C05-0460C

C:\DOCUME~1\NGUYEN\LOCALS~1\TEMP\NOTESD566FC\10143.DOC

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885

B. SCOPE, TERMS, AND REQUIREMENTS OF THIS ORDER

1. The subject information subject to the order shall be disclosed only to the court, the parties, the parties' counsel (including their staff, as needed), expert witnesses, and court reporters employed in this action. Anyone to whom the subject information is disclosed shall be first made aware of the confidential nature of the documents and the terms of the order. If any party believes wider dissemination of this information is necessary, that party shall seek approval from the court after appropriate notice to the other parties.

2. The Order shall survive the final termination of the action and the court shall retain jurisdiction to resolve any dispute concerning the use of the information disclosed hereunder.

3. Upon final determination of this action, unless otherwise agreed to in writing by the parties or subject individuals, all parties and their counsel shall assemble and return all documents produced pursuant to this Order, including all copies thereof and notes therefrom, to the attorneys representing the City of Seattle.

DATED this 23rd day of January, 2006.



The Honorable John C. Coughenour
United States District Court Judge

1 Presented by:

2 STAFFORD FREY COOPER

3
4 By: _____
5 Stephen P. Larson, WSBA #4959
6 Attorneys for Defendants City of
7 Seattle and Lt. Wilske

8 Approved as to form;
9 Notice of Presentation waived:

10 LAW OFFICES OF PAUL RICHMOND

11 By: _____
12 Paul Richmond, WSBA #32306

13 By: _____
14 Lawrence Andrew Hildes, WSBA #35035

15 Attorneys for Plaintiffs
16
17
18
19
20
21
22
23

STIPULATION AND PROTECTIVE ORDER - 5

C05-0460C

C:\DOCUME~1\NGUYEN\LOCALS~1\TEMP\NOTESD566FC\10143.DOC

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885